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Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GINA R. CHILES,

Defendant.

Case No. 3:20-CR-00028-MO

PETITION TO ENTER PLEA OF
GUILTY, CERTIFICATE OF COUNSEL,
AND ORDER

The defendant represents to the court:

1. My name is Gina R. Chiles. I am 45 years old.
2. My attorneys are James F. O'Rourke, Jr. and Adam L. Dean.
3. My attorneys and I have discussed my case fully. I have received a copy of the

Information filed in this case. I have read the Information, or it has been read to me, and I have discussed it with my attorneys. My attorneys have counseled and advised me concerning the

nature of the charge, any lesser-included offense, and the possible defenses that I might have in this case. I have been advised and understand that the elements of the charge alleged against me to which I am pleading "GUILTY" are as follows: Wire Fraud in violation of Title 18 U.S.C. §§ 1343.

4. I have had a full and adequate opportunity to disclose to my attorneys all facts known to me that relate to my case. I understand that the Court may ask whether I am satisfied with the advice I have received from my attorneys.

5. I know that if I plead "GUILTY," I will have to answer any questions that the judge asks me about the offense to which I am pleading guilty. I also know that if I answer falsely under oath and in the presence of my attorneys, my answers could be used against me in a prosecution for perjury or false statement.

6. I am not under the influence of alcohol or drugs. I am not suffering from an injury, illness or disability affecting my thinking or my ability to reason. I have not taken any drugs or medications within the past seven (7) days, except for those prescribed by a physician.

7. I understand that conviction of a crime can result in consequences in addition to imprisonment. Such consequences could include loss of eligibility to receive federal benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by the state or federal government.

8. I know that I may plead "NOT GUILTY" to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead "NOT GUILTY" the Constitution guarantees me:

a. The right to a speedy and public trial by judge during which I will be

presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt;

- b. The right to have the assistance of an attorney at all stages of the proceedings;
- c. The right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor;
- d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
- e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and
- f. The right not to be compelled to incriminate myself.

9. I know that if I plead "GUILTY" there will be no trial before a judge, and that I will not be able to appeal from the judge's denial of any pretrial motions I may have filed concerning matters or issues not related to the court's jurisdiction.

10. In this case I am pleading "GUILTY" under Rule 11(c)(1)(B). My attorneys have explained the effect of my plea under Rule 11(c)(1)(B) to be as follows:

My plea of guilty is under Rule (c)(1)(B); The judge will consider the recommendations and agreements of both the prosecution and defense attorneys concerning sentencing, however, the judge is not bound by the recommendation of the defense or prosecution or of the presentence report (PSR) writer. Because this agreement is made under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, if the judge imposes a sentence different from what I expected to receive under the terms of my Plea Agreement with the

prosecutor, I do not have the right to withdraw my plea.

11. I know the maximum sentence that can be imposed upon me for the crime to which I am pleading guilty is the possibility of 20 years' imprisonment, a fine of up to \$250,000 and up to three years of supervised release.

12. I know that the judge, in addition to any other penalty, will order a special assessment as provided by law (18 USC § 3013) in the amount of \$100.

13. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to court, where the judge can substantially increase the amount of the unpaid balance owed on the fine and I can be resentenced (18 USC § 3614).

14. My attorneys have discussed with me sentencing under federal law. I also know the judge, in determining the particular sentence to be imposed, will consider those factors set forth in Title 18 § 3553(a) of the United States Code, including but not limited to: the nature and circumstances of the offense, my own history and characteristics, and the goals of sentencing (punishment, deterrence, protection and rehabilitation). I know that it is the judge who makes the final decision as to what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph eleven (11) above.

15. I know that if I am sentenced to prison, the judge will impose a term of supervised release to follow the prison sentence. During my supervised release term, I will be supervised by a probation officer according to terms and conditions set by the judge. In my case, a term of supervised release can be up to three years. If I violate the conditions of supervised release, I may be sent to prison.

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed

that, for certain crimes of violence or crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of entry of the judgment. If I willfully refuse to pay restitution as ordered, a judge may resentence me to any sentence which could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty in this court my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this court.

19. I know that by pleading guilty in this court, any probation, parole or supervised release I am on may be revoked and I may be required to serve time in that case, which may be consecutive – that is, in addition to – any sentence imposed on me in this court.

20. My plea of “GUILTY” is based on a Plea Agreement that I have made with the prosecutor.

21. My plea of “GUILTY” is not the result of force, threat, or intimidation.

22. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of “GUILTY” can be accepted. With respect to the charge(s) to which I am pleading guilty, I represent that I did the following acts and that the following facts are true:

From 2014 through 2018, in the district of Oregon, I knowingly devised a material scheme or plan to obtain money or property by false promises, pretenses, representations, or omissions of material fact. I knew the promises, pretenses, or omissions of fact were false or misleading. The promises, pretenses, representations or omissions were material in that they would reasonably influence a person to part with money or property. I acted with intent to defraud and I used or caused the use of interstate wire communication to carry out or attempt to carry out the material scheme to defraud in violation of Title 18 U.S.C. §§ 1343.

24. I hereby request that the judge accept my plea of "GUILTY" to Count 1 of the Information.

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Information, and with a full understanding of the statements set forth in this Petition and the Certificate of my attorney that is attached to this petition.

SIGNED by me in the presence of my attorney(s), after reading (or having had read to me) all of the foregoing pages and paragraphs of this Petition, this 2nd (578) day of March, 2020.



Gina R. Chiles
Defendant


CERTIFICATE OF COUNSEL

The undersigned, as attorney for defendant, Gina R. Chiles, hereby certify:

1. I have fully explained to the defendant the allegations contained in the Information, any lesser-included offenses, and possible defenses which may apply.
2. I have personally examined the attached Petition to Enter Plea of Guilty and Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.
3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty as described in this Petition, and I have also explained to the defendant the applicable Federal Sentencing Guidelines.
4. I recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by me in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition to Enter Plea of Guilty, and any Plea Agreement, on this 2 day of March, 2020.



James F. O'Rourke, Jr., OSB #783286
Attorney for Defendant Gina Chiles


Adam L. Dean, OSB #952481
Attorney for Defendant Gina Chiles

ORDER ENTERING PLEA

I find that defendant Gina R. Chiles' plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime(s) to which the defendant has pled guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and recommended in the Certificate of defendant's attorney.

DATED THIS 2nd day of March, 2020 in open court.


The Honorable Stacie F. Beckerman
United States District Court Judge
Magistrate